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10/28/08

**ORDINANCE NO. 3701**

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF CHAPTER 18.05 UTILITY WIRES IN ORDER TO ADD A NEW SECTION 18.05.030(B)(4) AND (5) PROHIBITING THE USE OF METAL POLES OR TOWERS IN RESIDENTIAL NEIGHBORHOODS AND PROVIDING FOR INFORMATIONAL MEETINGS AND ADDING A NEW SECTION 18.05.060 REQUIRING THE COORDINATION OF FACILITY REPLACEMENT WITHIN A REASONABLE PERIOD OF TIME, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

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WHEREAS, utility facilities are a fact of life in urbanized areas; and

WHEREAS, however, the use of tall metal poles or towers in place of standard wood poles in single-family residential neighborhoods can create an aesthetic blight; and

WHEREAS, the failure of utilities to timely relocate their lines to new poles can result in aesthetic blight by leaving portions of poles suspended in mid air or large bundles or swags of utility lines hanging from poles; and

WHEREAS, the practice of severing a portion of a pole and leaving it suspended in mid air could in certain situations such as a storm, pose a threat to the public use of sidewalks and streets; and

WHEREAS, as an exercise of police powers, the City Council deems it to be in the public interest to amend the provisions of its utility pole provisions in order to better regulate pole replacement and require coordination of facilities in a timely fashion, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO  
ORDAIN AS FOLLOWS:

Section 1. ECDC 18.05.030 Design standards, paragraph (B) Above ground utilities is hereby amended by the addition of new subsections (4) and (5) relating to use of metal poles in residential zones and to wireless facilities to read as follows:

**18.05.050      Design standards.**

...

**B.      Above ground utilities.**

...

4.      No metal pole or tower shall be utilized in a single-family residential zone unless required in order to comply with the provisions of the State Electrical Code. Wooden poles of height and type generally in use in the surrounding residential neighborhood shall be utilized unless prohibited by the State Electrical Code. Conduit placed upon the pole to serve the wireless facility shall be of a color closely matching the pole.

5.      At least ten (10) days prior to installation of a wireless facility on or atop a pole in a residential neighborhood, either the utility that owns the pole or the utility installing the wireless facility shall host an informational meeting for all property owners within three hundred (300) feet of the pole. Notice shall be provided in writing, deposited in the US mail, postage paid five (5) business days prior to the informational meeting. Failure to provide the notice and/or host the informational meeting shall be a civil infraction punishable by a fine of up to Two Hundred Fifty Dollars (\$250).

Section 2. Chapter 18.05. Utility wires is hereby amended by the addition of a new Section 18.05.060 Coordination of facility replacement.

**18.05.060      Coordination of facility replacement.**

When a pole, tower or other facility ("Facility") is replaced, the owner of the Facility shall have a reasonable amount of time, not to exceed thirty (30) days to coordinate transfer of all existing utility lines, transformers, and equipment to the new pole. The

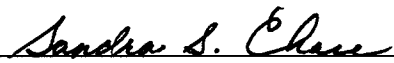
owner of the Facility shall provide written notice to transfer such utility lines, transformers and equipment to the new pole to other utilities using the pole. Written notice shall be provided to each utility utilizing the pole by placement in the U.S. mail, postage prepaid on or before the date the pole is to be replaced. The notice shall include the date of pole replacement and the City's requirement that transfer of facilities be completed within thirty (30) days. Failure to relocate a utility line, transformer or other equipment to the new Facility within thirty (30) days shall be a civil infraction punishable by a fine of up to \$200 per day. Each and every day which the utility fails to relocate its utility lines, transformers and/or equipment to the new pole shall be a separate violation. Failure to provide written notice as provided above shall be a civil violation punishable by a fine of up to Two Hundred Dollars (\$200). Each day which notice is not give after pole replacement shall be a separate violation.

Section 3. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:

  
MAYOR GARY HAAKENSEN

ATTEST/AUTHENTICATED:

  
CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY   
W. SCOTT SNYDER

FILED WITH THE CITY CLERK:	10/31/2008
PASSED BY THE CITY COUNCIL:	11/03/2008
PUBLISHED:	11/09/2008
EFFECTIVE DATE:	11/14/2008
ORDINANCE NO. <u>3701</u>	

## SUMMARY OF ORDINANCE NO. 3701

of the City of Edmonds, Washington

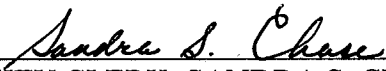
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On the 3rd day of November, 2008, the City Council of the City of Edmonds, passed Ordinance No. 3701. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF CHAPTER 18.05 UTILITY WIRES IN ORDER TO ADD A NEW SECTION 18.05.030(B)(4) AND (5) PROHIBITING THE USE OF METAL POLES OR TOWERS IN RESIDENTIAL NEIGHBORHOODS AND PROVIDING FOR INFORMATIONAL MEETINGS AND ADDING A NEW SECTION 18.05.060 REQUIRING THE COORDINATION OF FACILITY REPLACEMENT WITHIN A REASONABLE PERIOD OF TIME, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this Ordinance will be mailed upon request.

DATED this 4th day of November, 2008.

  
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CITY CLERK, SANDRA S. CHASE

# Affidavit of Publication

STATE OF WASHINGTON,  
COUNTY OF SNOHOMISH

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S.S.



## SUMMARY OF ORDINANCE NO. 3701 of the City of Edmonds, Washington

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The full text of this Ordinance will be mailed upon request.  
DATED this 4th day of November, 2008.

CITY CLERK, SANDRA S. CHASE

Published: November 9, 2008.

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice

## Summary of Ordinance No. 3701

Amending the provisions of Chapter 18.05 Utility Wires

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

November 09, 2008

and that said newspaper was regularly distributed to its subscribers during all of said period.

*Jody Inghl*

Principal Clerk

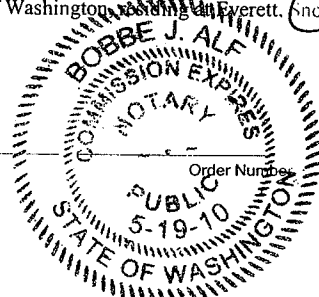
Subscribed and sworn to before me this

10th

day of November, 2008

*[Signature]*

Notary Public in and for the State of Washington, residing in Everett, Snohomish County.



Account Name: City of Edmonds

Account Number: 101416

Order Number: 0001622161

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EDMONDS CITY CLERK